

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BERKELEY ACQUISITIONS,LLC.,

Plaintiff,

-against-

MALLOW, KONSTAM & HAGER,

Defendant.  
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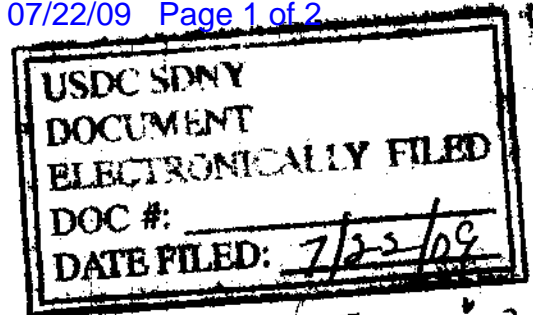
MALLOW, KONSTAM & HAGER,P.C.,

Interpleader Plaintiff

-against-

BALTIMORE PROERTIES CORP., et.al.,

Interpleader Defendants.  
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09 CIVIL 2319 (CM) *FILED IN*

**JUDGMENT**

09 CIVIL 3771 (CM)

Interpleader defendants having moved to dismiss the Berkeley and Mallow action for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), BPC and Grove also move to dismiss the Mallow interpleader action, and the matter having come before the Honorable Colleen Mc Mahon, United States District Judge, and the Court, on July 20, 2009, having rendered its Decision and Order granting interpleader defendants' motion to dismiss Berkeley -v- Mallow, 09 Cv 2319 without prejudice, but denying defendants' motion to dismiss the interpleader complaint in 09 Cv 3771, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Decision and Order dated July 20, 2009, interpleader defendants' motion to dismiss Berkeley

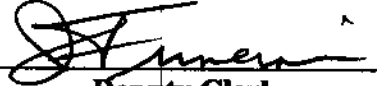
-v- Mallow, 09 Cv 2319 for lack of subject matter jurisdiction is granted without prejudice, interpleader defendants' motion to dismiss the interpleader complaint in Mallow -v- Baltimore Properties Corp. et.al., 09 Cv 3771, is denied.

**Dated:** New York, New York  
July 22, 2009

**J. MICHAEL McMAHON**

**Clerk of Court**

**BY:**

  
**Deputy Clerk**

**THIS DOCUMENT WAS ENTERED  
IN THE DOCKET ON 7/22/09**